

**ASSEMBLY BILL**

**No. 1081**

---

**Introduced by Assembly Member Garrick**  
**(Coauthors: Assembly Members Benoit, Berryhill, Fuller, La Malfa,**  
**Silva, and Spitzer)**  
**(Coauthors: Senators Cox, Harman, and Wyland)**

February 23, 2007

---

An act to add Section 5004.6 to the Penal Code, relating to illegal immigration.

LEGISLATIVE COUNSEL'S DIGEST

AB 1081, as introduced, Garrick. Department of Corrections and Rehabilitation: mutual aid agreements: illegal immigration.

Existing law allows the Secretary of the Department of Corrections and Rehabilitation to enter into agreements with local law enforcement agencies for mutual police aid during emergencies.

Existing law also requires the Secretary of the Department of Corrections and Rehabilitation to enter into agreements with local law enforcement agencies for mutual aid during a pursuit for an escaped prisoner.

This bill would require the Secretary of the Department of Corrections and Rehabilitation to enter into an agreement with the United States Department of Homeland Security for the United States Immigration and Customs Enforcement to train and authorize certain Department of Corrections and Rehabilitation personnel to perform functions relating to the investigation and processing of inmates who are illegally within the United States.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. The Legislature finds and declares the following:

2     (a) There are approximately 18,000 illegal immigrants currently  
3 incarcerated in California prisons.

4     (b) It costs California taxpayers an estimated seven hundred  
5 fifty million dollars (\$750,000,000) each year to incarcerate the  
6 illegal immigrants in California prisons.

7     (c) In 2005, California recovered eighty-five million nine  
8 hundred fifty-three thousand one hundred ninety-one dollars  
9 (\$85,953,191) in reimbursements from the federal government;  
10 approximately 11 percent of the total cost to tax payers to  
11 incarcerate illegal immigrants.

12     (d) Currently, there is no program within the Department of  
13 Corrections and Rehabilitation designed to investigate and prepare  
14 cases of inmates who are illegally in the United States for referral  
15 to the United States Immigration and Enforcement for removal  
16 and reimbursement actions.

17     (e) The United States Department of Homeland Security  
18 authorized the United States Immigrations and Customs  
19 Enforcement to pay for the training and certification of appropriate  
20 state personnel to investigate immigration crimes and prepare cases  
21 for removal actions at the federal level.

22     (f) This documentation and processing program would boost  
23 reimbursement revenues through more accurate reporting of state  
24 costs associated with incarcerating illegal immigrants.

25     SEC. 2. Section 5004.6 is added to the Penal Code, to read:

26     5004.6. The Secretary of the Department of Corrections and  
27 Rehabilitation shall enter into an agreement constituting a  
28 Memorandum of Understanding with the United States Department  
29 of Homeland Security under which the United States Immigration  
30 and Customs Enforcement trains, certifies, and authorizes  
31 designated Department of Corrections and Rehabilitation personnel  
32 to perform certain immigration processing functions. The functions  
33 to be performed by the authorized Department of Corrections and  
34 Rehabilitation personnel shall include, but are not limited to the  
35 following:

36     (a) The interviewing of inmates to determine probable cause  
37 for an immigration violation.

- 1 (b) The completion of criminal alien processing, including the
- 2 fingerprinting, photographing, and interviewing of the suspected
- 3 criminal alien.
- 4 (c) The preparation of immigration detainers, affidavits, and
- 5 taking of sworn statements.
- 6 (d) The preparation of federal removal charging documents, as
- 7 appropriate, for review by Immigration and Custom Enforcement
- 8 Officials.

O